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12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15  
16 UNITED STATES OF AMERICA,  
17 Plaintiff,  
18 vs.  
19 MICHAEL PETTENGER,  
20 Defendant.

Case No. 1:20-cr-00139-DAD-BAM

**STIPULATION TO CONTINUE STATUS  
CONFERENCE; AND ORDER**

Date: December 9, 2020  
Time: 1:00 p.m.  
Judge: Barbara A. McAuliffe

17  
18 **IT IS HEREBY STIPULATED**, by and between the parties through their respective  
19 counsel, Assistant United States Attorney David Gappa, counsel for plaintiff, and Assistant  
20 Federal Defender Reed Grantham, counsel for Michael Pettenger, that the status conference  
21 currently scheduled for November 23, 2020, at 1:00 p.m. may be continued to December 9,  
22 2020, at 1:00 p.m.

23 On November 5, 2020, the Court last held a status conference in this matter. *See* Dkt.  
24 #15. At the status conference, defense counsel notified the Court that the parties were working  
25 on a discovery issue and government counsel indicated that arrangements were being made to  
26 produce the requested discovery. *See* Dkt. #15. In light of the government's representations, the  
27 matter was continued to November 23, 2020. *See* Dkt. #15. Government counsel has since  
28 indicated that the requested material will be available this week and the defense expert in this  
case is scheduled to review such material next week. Accordingly, the parties are asking to

1 continue this matter to December 9, 2020, so that the defense expert can review the material in  
2 question.

3 The parties agree that the delay resulting from the continuance to December 9, 2020,  
4 shall be excluded in the interests of justice, including but not limited to, the need for the period  
5 of time set forth herein for effective defense preparation and defense investigation, pursuant to  
6 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv). Additionally, in light of the public  
7 health concerns cited by this Court in its General Orders 611-624 addressing the evolving  
8 COVID-19 pandemic, and for the reasons set forth therein, the parties further agree that this  
9 matter should be continued so as to minimize public health concerns relating to the COVID-19  
10 pandemic.

11 Respectfully submitted,

13 McGREGOR W. SCOTT  
14 United States Attorney

15 Date: November 17, 2020

*/s/ David Gappa* \_\_\_\_\_  
16 DAVID GAPPA  
17 Assistant United States Attorney  
Attorney for Plaintiff

18 HEATHER E. WILLIAMS  
19 Federal Defender

20 Date: November 17, 2020

*/s/ Reed Grantham* \_\_\_\_\_  
21 REED GRANTHAM  
22 Assistant Federal Defender  
23 Attorney for Defendant  
24 MICHAEL PETTENGER

## ORDER

**IT IS SO ORDERED.** The status conference currently scheduled for November 23, 2020, at 1:00 p.m. is hereby continued to **December 9, 2020, at 1:00 p.m.** before Magistrate Judge **Barbara A. McAuliffe.**

**IT IS FURTHER ORDERED THAT** the period of time from the date of the last court appearance through December 9, 2020, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **November 18, 2020**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE